

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 1999-010293

08/13/2003

HONORABLE REBECCA A. ALBRECHT

CLERK OF THE COURT
N. Greene
Deputy

FILED: 08/19/2003

PAULINE SHUMWAY, et al.

DAN CAMPBELL

v.

NEWELL SPENCER SHUMWAY JR., et al.

JAMES B ROLLE III

STEPHEN E CROFTON
NEIL SINGH

MINUTE ENTRY

8:33 a.m. This is the time set for oral argument regarding Plaintiff's Motion to Compel and Defendant's Motion to Exclude Expert Witness. Plaintiffs are represented by counsel, Dan Campbell and Neil Singh. Defendants are represented by counsel, James B. Rolle and Stephen E. Crofton.

A record of the proceedings is made by CD/videotape in lieu of a court reporter.

Arguments are presented to the Court.

IT IS ORDERED taking Plaintiff's Motion to Compel under advisement.

IT IS ORDERED affirming all Court orders regarding the deadlines with the following modifications:

- 1) IT IS ORDERED vacating the trial date of September 8, 2003.
- 2) IT IS FURTHER ORDERED resetting the trial date for **December 15, 2003** at 9:30 a.m. in this division for 4 days to a jury.
- 3) IT IS FURTHER ORDERED vacating the Pretrial Management Conference set for August 29, 2003.
- 4) IT IS FURTHER ORDERED resetting the Pretrial Management Conference for **December 10, 2003 at 8:30 a.m.**

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- 5) IT IS FURTHER ORDERED extending discovery for the following purposes **only**:
- a) Deposition of Plaintiff's expert Dr. Semple, which will go forward and will be completed on or before October 1, 2003;
 - b) Any rebuttal reports and/or rebuttal experts shall be disclosed on or before November 1, 2003;
 - c) All discovery is concluded regarding these two matters with the submission of the rebuttal reports and/or rebuttal experts. No further discovery, deposition or any other form of discovery will take place as to those two matters and the one matter in which the Court has permitted discovery to continue. It is the court's contemplation that plaintiffs, defendants and Dr. Semple will cooperate in assuring that a properly noticed deposition will proceed by October 1, 2003. The failure to complete the deposition of Dr. Semple by October 1, 2003, will lead to the preclusion of Dr. Semple in this trial. Failure to provide any rebuttal opinions by November 1, 2003 will preclude the use of any rebuttal opinions in this trial.

9:20 a.m. Matter concludes.

LATER:

The Court has reviewed and considered the Motion to Compel Discovery filed by the Plaintiffs, the response and the reply. The court has further considered the arguments of counsel.

IT IS ORDERED denying the motion to compel.